



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Exhibit 5

Josh Kaul
Attorney General

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Paul M. Ferguson
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December 10, 2019

Emir Dini
DiniEmir@outlook.com

Dear Mr. Dini:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated August 20, 2019, in which you requested DOJ's "assistance in obtaining public records that pertain to actively employed public servants (Legislative Research Analysts) in the Wisconsin Legislature."

The Attorney General and DOJ's Office of Open Government (OOG) appreciate your concerns regarding your public records request. However, DOJ cannot offer you legal advice or counsel concerning this matter as DOJ may be called upon to represent the Wisconsin Legislature. Although DOJ cannot assist you with this matter, we can provide you with some general information regarding the public records law that you may find helpful.

The public records law provides several remedies for a requester dissatisfied with an authority's response, or lack of response, to a written public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, he generally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. As explained above, DOJ may be called upon to represent the Wisconsin Legislature. Therefore, although you did not specifically request the Attorney General to file an action for mandamus, nonetheless, we respectfully decline to pursue an action for mandamus on your behalf.

You may wish to contact a private attorney regarding this matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney's fees. You may reach the service using the contact information below:

Emir Dini
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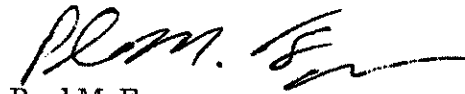
Lawyer Referral and Information Service
State Bar of Wisconsin
P.O. Box 7158
Madison, WI 53707-7158
(800) 362-9082
(608) 257-4666
<http://www.wisbar.org/forpublic/ineedalawyer/pages/lris.aspx>

The Attorney General and the OOG are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers numerous open government resources through its website (<https://www.doj.state.wi.us/office-open-government/office-open-government>). DOJ provides the full Wisconsin public records law, maintains a Public Records Law Compliance Guide, and provides other public records law resources.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,



Paul M. Ferguson
Assistant Attorney General
Office of Open Government

PMF:lah



Emir Dini <emir.dini@joinprivilege.com>

Your Correspondence with WI DOJ

Emir Dini <emir.dini@joinprivilege.com>

Fri, Dec 13, 2019 at 12:31 PM

To: "Hein, Ashley M." <HeinAM@doj.state.wi.us>, Emir Dini <emir.dini@joinprivilege.com>, "Bensky, Anne M." <benskyam@doj.state.wi.us>

Dear Ms. Hein,

I spoke w/ Atty. Bensky earlier this summer regarding this matter. From our conversation, such records are public.

This is also expressed in the AG's periodical publication on public records, which Atty. Bensky helps produce and bears her name.

I do appreciate your response and consideration of this matter.

Kindly,

Emir Dini

On Fri, Dec 13, 2019 at 11:55 AM Hein, Ashley M. <HeinAM@doj.state.wi.us> wrote:

Good morning:

Please see the attached response to your correspondence.

Thank you,



Ashley Hein | Program & Policy Analyst

State of Wisconsin Department of Justice

Office of Open Government

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Phone: (608) 267-2220

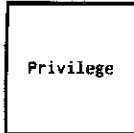
PLEASE NOTE: While government records are generally subject to disclosure pursuant to the public records law, this email, including any attachments, may contain confidential

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Emir Dini | Founder

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